

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.25811 of 2016

Date of Decision: March 22, 2017

Mrs.Parvesh Sharma and others

.....Petitioners

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Naresh Kaushik, Advocate, for the petitioners.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The petitioners are residents of Shiwalik Avenue, Sector 125, Greater Mohali, which is a colony developed by private-builders, namely, respondent Nos.8 to 11. The licence to develop the residential colony was granted to private-builders under the provisions of Punjab Apartment and Property Regulations Act, 1955. The licence obligates the private-builders to complete the development works in a time bound manner and provide all the basic amenities to allottees and thereafter, hand-over the project complete in all respects to the municipal authorities.

The grievance of the petitioners in this case is that neither the 'development works' are complete nor the builders have provided the basic amenities. Contrary to it, the apartments are being sold to new customers without obtaining completion and occupation certificates, which is stated to be a mandatory condition under Section 3(2) read with Section 14 of the

of the lay-out plan as approved by the Chief Town Planner, Punjab.

The petitioners raised all these issues vide a legal notice dated 05.07.2016 (P-12) but have got no response thereto from the official-respondents.

Since the issues raised on behalf of the petitioners are required to be addressed by the builders as well as the authorities who are entrusted with the responsibility to monitor and supervise the projects under the Act, the writ petition is disposed of with a direction to respondent Nos.3 & 4, namely, Deputy Director, Urban Local Bodies Department, Punjab, Patiala and Municipal Council, Kharar, District SAS Nagar Mohali, respectively, to take cognizance of the legal notice served on behalf of the petitioners and take necessary action in the matter within a period of four months from the date of receiving a certified copy of this order.

The above-stated authorities shall ensure that all the basic amenities are made available to the allottees as per binding conditions of the licence.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

March 22, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No